

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:23-cv-02687-SVW-JC

Date September 11, 2024

Title *That One Video Entertainment LLC v. Koil Content Creation PTY LTD. et al*

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE

Paul M. Cruz

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

N/A

Attorneys Present for Defendants:

N/A

Proceedings: ORDER DENYING MOTION FOR SUMMARY ADJUDICATION [51]

**I. Introduction**

Before the Court is a motion for summary adjudication filed by Plaintiff That One Video Entertainment LLC (“TOVE”). Dkt. 51 (“Mot.”). For the following reasons, the motion is DENIED.

**II. Discussion**

The present case arises from an alleged dispute regarding copyright ownership and breach of contract. Before the Court on the instant motion is only TOVE’s first cause of action against Defendants Mitchell Clout and Koil Content Creation PTY LTD. (collectively, “Defendants”)<sup>1</sup> for declaratory relief. Mot. at 1. TOVE alleges that its employee, Daniel Tracey, made significant creative contributions to the computer code comprising a videogame server (the “Server”) operated by Defendants, wherein numerous individuals play a modified version of the videogame “Grand Theft Auto V.” *Id.* at 1-2. TOVE seeks a declaratory judgment that TOVE is a joint owner in the Server by virtue of Tracey’s copyrightable contributions to the Server and pursuant to TOVE’s employment contract with Tracey. *Id.* at 1. Because the Court finds that material facts remain in dispute, the Court denies the motion.

<sup>1</sup> Defendant Clout is the founder and owner of Koil Content Creation PTY LTD (“Koil”). Dkt. 18, ¶¶ 2, 15.

Initials of Preparer

PMC

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**III. Conclusion**

For the foregoing reasons, Plaintiff's motion is DENIED.

**IT IS SO ORDERED.**

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